

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LARRY SMITH,	:	CRIMINAL ACTION
	:	NO. 03-356-01
Petitioner,	:	
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	

**O R D E R**

**AND NOW**, this **22nd day of April 2009**, upon consideration of the petition for writ of habeas corpus (doc. no. 126), it is hereby **ORDERED** that the petition is **DENIED**.

**IT IS FURTHER ORDERED** that there is no probable cause to issue a Certificate of Appealability.<sup>6</sup>

**IT IS FURTHER ORDERED** that the case shall be marked **CLOSED**.

**AND IT IS SO ORDERED.**

  
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**EDUARDO C. ROBRENO, J.**

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<sup>6</sup> A prisoner seeking a certificate of appealability must demonstrate "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). "A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." Miller-El v. Cockrell, 537 U.S. 322, 327 (2003). No basis for a certificate of appealability exists in this case, as Petitioner is unable to meet this standard.